

# BRAUNHAGEY & BORDEN LLP

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March 23, 2022

**VIA ECF**

The Honorable Judge Jesse M. Furman  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Weekes v. Beyond Better Foods, LLC*, Case No. 1:21-cv-10581 (JMF)**

**Letter Motion for Extension of Time to Provide Joint Letter and Respond to Complaint**

Pursuant to this Court's Individual Rules and Practices in Civil Cases and Local Civil Rule 7.1(d), Defendant Beyond Better Foods, LLC ("BBF") respectfully requests an extension of time to respond to the Complaint.

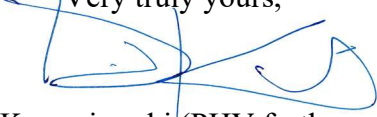
The Complaint in this case was filed on December 10, 2021. On December 13, 2021, the Court issued a case management order requiring the parties to submit a joint letter describing the status of the case, discovery, settlement negotiations, and related matters within 100 days. (Dkt. No. 5.)

On January 3, 2022 and January 5, 2022, BBF contacted Plaintiff to inquire whether the Complaint had been served and discuss an extension of time to respond, respectively. Plaintiff's lawyer said they would not oppose a three-week extension of time to respond to the complaint and said they would look into whether service had been effected. Plaintiff's lawyers never followed up with BBF.

On March 9, 2022, Plaintiff filed a purported proof of service. On March 16, counsel for BBF contacted Plaintiff again, and specifically asked if Plaintiff would prepare the joint letter required by the Court's December 13 Order. Again, Plaintiff's lawyers never responded. On March 23, 2022, the Court entered an Order that "any motion for default judgment shall be filed . . . no later than April 5, 2022" (Order, Dkt. # 8.)

Since it does not appear Plaintiff is willing to submit a Joint Letter in accordance with the Court's December 13 Order, BBF respectfully requests a 21-day extension time to file its response to the Complaint and a letter addressing the topics in the Court's December 13 Order. BBF has not requested a prior extension of time, and an extension of time will not affect any other scheduled dates or deadlines. Plaintiff's lawyers previously indicated they would not oppose a 21-day extension of time to respond to the complaint.

Very truly yours,



David Kwasniewski (PHV forthcoming)

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Cc: All counsel of record (via ECF)